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15
16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA

18 BENJAMIN GRANADOS,
19 individually and on behalf of other
persons similarly situated,

20 Plaintiff,

21 vs.

22 BIMBO BAKERIES USA, INC., and
DOES 1-10,

23 Defendant.
24
25
26
27
28

Case No. CV09-07329-DMG (FFMx)

**AMENDED [~~PROPOSED~~] ORDER
GRANTING PRELIMINARY
APPROVAL OF SETTLEMENT**

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1 On December 13, 2010, the Court heard the motion for preliminary approval
2 of class action settlement by Benjamin Granados (the “Class Representative”). The
3 Court has considered the Joint Stipulation of Class Settlement and Release
4 (“Stipulation”) and the proposed Notice of (1) Proposed Class Settlement and (2)
5 Final Settlement Approval Hearing (“Class Notice”) and attached exhibits, and the
6 submissions of counsel, and hereby finds and orders as follows:

7 1. The Court finds on a preliminary basis that the settlement
8 memorialized in the Stipulation, filed with the Court, falls within the range of
9 reasonableness and, therefore, meets the requirements for preliminary approval.

10 2. The Court conditionally certifies, for settlement purposes only, the
11 following class (“Class”):¹ All persons who were on the payroll of Bimbo Bakeries
12 USA, Inc. (“BBUSA”) for at least one day during the Class Period in a position that
13 was subject to time rounding by BBUSA in the State of California. The Court
14 finds, for settlement purposes only, the requirements of Federal Rule of Civil
15 Procedure 23(a) and Federal Rule of Civil Procedure 23(b)(3) are satisfied, with the
16 exception of the manageability requirement of Rule 23(b)(3) that the Court need not
17 address for purposes of settlement. The Court further finds, for settlement purposes
18 only, that conditional certification of the Action as a collective action under section
19 216(b) of the Fair Labor Standards Act (“FLSA”) is appropriate.

20 3. This Order, which conditionally certifies a class action for settlement
21 purposes only, shall not be cited in this or any matter for the purpose of seeking
22 class or collective certification or for any other purpose, other than enforcing the
23 terms of the Stipulation.

24 4. The Court appoints, for settlement purposes only, Benjamin Granados
25 as the Class Representative.

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28 ¹ All capitalized terms in this Order shall have the same definitions as those set forth in the Stipulation.

1 5. The Court appoints, for settlement purposes only, Dennis F. Moss, and
2 Spiro Moss LLP; Zorik Mooradian and Law Offices of Zorik Mooradian; Sahag
3 Majarian II and Law Office of Sahag Majarian II as Class Counsel for the purposes
4 of Settlement and the releases and other obligations therein. Simpluris, LLC is
5 appointed as Settlement Administrator.

6 6. The Class Notice, attached to the Motion for Preliminary Approval as
7 Exhibit B, and the Claim Form, Change of Name and/or Address Information,
8 Election Not to Participate in Settlement, and Settlement Administrator form of
9 letter regarding inconsistent documentation, attached to the Class Notice as Forms
10 A through D, respectively, are approved. The Settlement Administrator is ordered
11 to mail those documents to the Class members as provided in the Stipulation and to
12 post them on its website. Such documents shall be removed from the Settlement
13 Administrator's website within three (3) business days of the occurrence of the
14 claim filing deadline.

15 7. Defendant believes that a majority of the Class Members understand
16 written English, but Spanish may be the primary language of certain Class
17 Members. Accordingly, the Settlement Administrator shall also mail the Class
18 Notice and attached Forms A through D in Spanish to Class Members and post
19 them on its website. Such documents shall be removed from its website within
20 three (3) business days of the occurrence of the claim filing deadline.

21 8. Defendant's deadline to provide the data to the Settlement
22 Administrator as set forth in Section VIII (A)(1) of the Stipulation is extended until
23 January 14, 2011.


24 9. Each Class Member who does not timely submit an Election Not to
25 Participate in Settlement will have forty-five (45) days after the date on which the
26 Settlement Administrator mails the Class Notice to object to the Settlement by
27 serving on the Settlement Administrator, Class Counsel, and Counsel for BBUSA
28 by the forty-five (45) day deadline, a written objection to the Settlement.

1 10. The Settlement Administrator shall post Class Counsel's motion for
2 the Class Counsel Attorneys' Fees and Costs Payment on its website. Each Class
3 Member who does not timely submit an Election Not to Participate in Settlement
4 will have twenty (20) days after the date on which the Settlement Administrator
5 posts Class Counsel's motion for the Class Counsel Attorneys' Fees and Costs
6 Payment on the Settlement Administrator's website to object to the Class Counsel's
7 motion for the Class Counsel Attorneys' Fees and Costs Payment by serving on the
8 Settlement Administrator, Class Counsel, and Counsel for BBUSA, by the twenty
9 (20) day deadline, a written objection to the motion.

10 11. The Court will conduct a Final Approval Hearing on **June 6, 2011 at**
11 **9:30 a.m.** to determine the overall fairness of the settlement and to fix the amount
12 of attorneys' fees and costs to Class Counsel and enhancements to the Class
13 Representative. The Final Approval Hearing may be continued without further
14 notice to Class Members. Class Counsel shall file their motion for final approval of
15 the settlement, including approval of attorneys' fees, costs, and the Class
16 Representative enhancement sought in the Settlement, on or before May 9, 2011.

17 IT IS SO ORDERED.

18 Dated: December 28, 2010


Honorable Dolly M. Gee
United States District Judge